

In the United States Court of Federal Claims

NOT FOR PUBLICATION

No. 05-544C

(Filed September 7, 2006)

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BILLE HOUGART, *

D.B.A. CICATRIX, INC., *

Plaintiff, *

v. *

THE UNITED STATES, *

Defendant, *

***** *

ORDER

Plaintiff Bille Hougart, acting *pro se* and identifying himself as Cicatrix, Inc., filed a complaint alleging that the Federal Labor Relations Authority (FLRA) breached a contract with Cicatrix for the provision of “an agency-wide files and records inventory which would facilitate the subsequent design and implementation of the Federal Labor Relations Authority Vital Records Program.” *See* Compl. at Ex. 2. Acting upon a motion filed by the Government, this Court identified Plaintiff’s *pro se* status as a defect in the Complaint -- since Hougart was not the real party in interest to this dispute and the Court’s rules prohibit corporations from acting *pro se*. Order (May 25, 2006).

The crux of this dispute involves a contract between the FLRA and Cicatrix, not Mr. Hougart. Cicatrix, thus, is the real party in interest, not Mr. Hougart. The Court’s rules require actions to be prosecuted in the name of the real party in interest. Rules of the Court of Federal Claims (“RCFC”) 17(a). Generally, an individual may proceed *pro se*, but the Court’s rules prohibit corporations from doing so. RCFC 83.1(c)(8) (“An individual may represent oneself or a member of one’s immediate family as a party before the court. Any other party, however, must be represented by an attorney who is admitted to practice in this court. *A corporation may only be represented by counsel.*” (emphasis added)). Because Cicatrix is the real party in interest, the action must be prosecuted in its name; and because Cicatrix is a corporation, it must be represented by counsel.

On May 25, 2006, pursuant to RCFC 17(a), this Court stayed this action for sixty days in order to allow Cicatrix time to retain counsel and to file an amended complaint signed by a member of this Court's bar. RCFC 17(a) ("[N]o action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest."). The Court's order to this effect provided that failure to file an amended complaint on or by Monday, July 31, 2006 would result in dismissal under RCFC 17(a). Order (May 25, 2006).

Neither Cicatrix nor Hougart has submitted or filed documents of any sort with the Court since the stay was issued. For this failure to prosecute the complaint in the name of the real party in interest, the case is hereby **DISMISSED** without prejudice. The Clerk is directed to enter judgment accordingly. No costs.

IT IS SO ORDERED.

VICTOR J. WOLSKI
Judge